

Application No. 09/575237
Preliminary Amendment

REMARKS

Upon entry of this amendment, claims 1-10 are pending. The specification and claims 1, 5, 9, and 10 have been amended.

Amendments to the Specification

Paragraphs 48, 54, 118, 163, and 200 of the specification are amended to correct errors inadvertently introduced during the translation of the present application from the priority documents (Japanese Application No. P11-146653, filed May 26, 1999, and Japanese Application No. P11-365064, filed December 22, 1999) from Japanese to English. These amendments reflect the content of the original priority documents. For example, P11-146653 provides for a swelling solvent of propylene carbonate in ¶ 30 and P11-365064 provides the same at ¶ 36. In addition, P11-146653 provides for a matrix polymer of polyhexafluoropropylene in ¶ 28 and P11-365064 provides the same at ¶ 34 (see pp. 12-13 of P11-146653 certified translation and pp. 16-17 of P11-365064 certified translation in attached Appendix). As such, the amendments do not introduce new matter.

Amendments to the Claims

In response to the Office's suggestion, Claim 1 is modified to amplify the originally intended meaning. No substantive change was made or intended by this amendment.

Claims 5, 9, and 10 are amended to correct an errors inadvertently introduced during the translation of the priority document (Japanese applications P11-365064 and P11-146653) from Japanese to English. For the reasons stated above, these amendments reflect the content of the original documents, and as such, do not introduce new matter. In addition to the support found in the priority document, specification support for the amendment to claim 5 from the present application can be found at ¶ 55. In addition to the support found in the priority document, specification support for the amendment to claims 9 and 10 from the present application can be found at ¶ 53.

Claim Rejections Under 35 U.S.C. § 112

The office has rejected all claims dependent on claim 1 using the following statement:

"Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out

Application No. 09/575237
Preliminary Amendment

and distinctly claim the subject matter which applicant regards as the invention. (New Rejection)

In claim 1, line 15, it is unclear which "solid electrolyte" is being referenced noting that there are at least two solid electrolytes previously referenced in this claim.

Claims 2-10, dependent on claim 1, fall therewith."

This rejection has been overcome by removing the language "at least one" from claim 1 (see amended claims). Because the Examiner has provided no other basis for rejection, the Applicant believes that there may now be a presumption of allowability. The limitation to "at least one" encompasses one, and since no rejection to a single element (or multiple elements) was made, the Applicant believes the Office must have determined the modified claim to be allowable.

Application No. 09/575237
Preliminary Amendment

CONCLUSION

Applicant respectfully requests withdrawal of the rejections and believes that the claims as presented represent allowable subject matter. Applicant requests the Examiner to note the new Attorney information provided below. If the Examiner desires, Applicant welcomes a telephone interview to expedite prosecution. Applicant believes there is no fee due at this time. However, the Commissioner is hereby authorized to deduct any deficiency or credit any overpayment to Deposit Account No. 19-3140.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

By: 

Kevin W. Buckley

Reg. No. 45,901

Telephone No. 314.259.5817

ATTORNEYS FOR APPLICANT